

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OKLAHOMA FIREFIGHTERS PENSION AND	:	
RETIREMENT SYSTEM,	:	
	:	ORDER
Plaintiff,	:	
-v.-	:	22 Civ. 3026 (ALC) (GWG)
	:	
ELON R. MUSK et al.,	:	
	:	
Defendants.	:	
-----X		

GABRIEL W. GORENSTEIN, United States Magistrate Judge

This Order addresses plaintiff's application to file the amended complaint under seal (Docket # 71). The basis of the request relates to certain text that has been redacted from the amended complaint, which appears with redactions as Docket # 70.¹

The sealing of any portion of a pleading may be ordered only if a showing is made that overcomes the strong presumption of public access. See, e.g., Bernstein v. Bernstein Litowitz Berger & Grossmann LLP, 814 F.3d 132, 141-44 (2d Cir. 2016); Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006). Understandably, plaintiff has not made that showing given that it has no interest in having the material remain under seal.

The only parties with an interest in this question are apparently the parties who designated certain material produced in discovery as confidential that is the source of the redacted text. It appears these parties consist of defendants and certain unidentified "third parties." (Docket # 71).

Accordingly, it is hereby ORDERED that any party to this case or non-party seeking to have redactions in the amended complaint remain under seal shall file a letter or memorandum of law on or before May 8, 2024, explaining why the sealing is permitted by law. Any response shall be filed by May 10, 2024. If no submission is made by May 8, 2024, the Court will order the docketing of an unredacted version of the amended complaint.

The plaintiff is directed to immediately serve a copy of this Order on any non-party source of the redacted material and to file proof of service forthwith.

¹ As of the signing of this Order, the Amended Complaint as filed in redacted form (Docket # 70) was rejected by the Clerk's Office for technical reasons. This Order applies either to Docket # 70 or to any re-filed amended complaint.

Dated: New York, New York
May 1, 2024

SO ORDERED:



GABRIEL W. GORENSTEIN
United States Magistrate Judge